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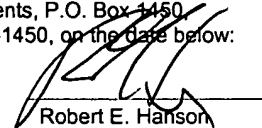
# FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
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June 29, 2004

| CERTIFICATE OF MAILING<br>37 C.F.R. 1.8  |   |
|--|---|
| I certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below: |   |
| June 29, 2004  |  |
| Date   | Robert E. Hanson  |

## MS AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/730,768 entitled "PLANTS AND SEEDS OF CORN VARIETY LH360" – Donald G. Eggerling*  
*Our reference: HFSC:015US*  
*Client reference: 34-52 (51646)*

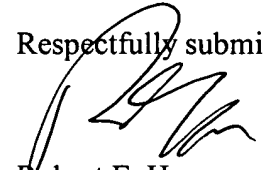
Sir:

Enclosed for filing in the above-referenced patent application is a Supplemental Information Disclosure Statement, Form PTO-1449, and reference C30.

No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/HFSC:015US.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

  
Robert E. Hanson  
Reg. No. 42,628

REH/kmv  
Encl.: as noted



**PATENT**

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Donald G. Eggerling

Serial No.: 10/730,768

Filed: December 8, 2003

For: PLANTS AND SEEDS OF CORN  
VARIETY LH360

Group Art Unit: 1638

Examiner: Unknown

Atty. Dkt. No.: HFSC:015US

**CERTIFICATE OF MAILING  
37 C.F.R. 1.8**

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June 29, 2004

Date

Robert E. Hanson

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

**MS AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R §§ 1.97(g), (h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be

construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

LH360 was developed from the single cross LH242 x LH228 by selfing and using the pedigree system of plant breeding. Yield, stalk quality, root quality, disease tolerance, late plant greenness, late plant intactness, ear retention, pollen shedding ability, silking ability and corn borer tolerance were the criteria used to determine the rows from which ears were selected.

LH242 and LH228, the progenitors of LH360, are both proprietary field corn inbred lines of Holden's Foundation Seeds, LLC. LH242 was awarded PVPA certificate #9700076 on May 29, 1998. LH242 is also protected by U.S. Patent No. 5,750,850, which issued on May 12, 1998. LH228 was awarded PVPA certificate #9700080 on May 29, 1998. LH228 is also protected by U.S. Patent No. 5,767,341, which issued on June 16, 1998.

The present Supplemental Information Disclosure Statement is being filed prior to the receipt of a first Official Action reflecting an examination on the merits, and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is authorized to deduct the appropriate fees from Fulbright & Jaworski Deposit Account No.: 50-1212/HFSC:015US.

Applicant respectfully requests that the listed documents be made of record in the present case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Hanson', is written over the typed name.

Robert E. Hanson  
Reg. No. 42,628  
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: June 29, 2004

Form PTO-1449 (modified)

Atty. Docket No.

HFSC:015US

Serial No.

10/730,768

List of Patents and Publications for Applicant's

Applicant

Donald G. Eggerling

INFORMATION DISCLOSURE STATEMENT

Filing Date:

December 8, 2003

Group:

1638

(Use several sheets if necessary)

U.S. Patent Documents

See Page 1

Foreign Patent Documents

See Page 2

Other Art

See Page 2

## U.S. Patent Documents

| Exam.<br>Init. | Ref.<br>Des. | Document<br>Number | Date | Name | Class | Sub<br>Class | Filing Date<br>of App. |
|----------------|--------------|--------------------|------|------|-------|--------------|------------------------|
|                |              |                    |      |      |       |              |                        |

## Foreign Patent Documents

| Exam.<br>Init. | Ref.<br>Des. | Document<br>Number | Date | Country | Class | Sub<br>Class | Translation<br>Yes/No |
|----------------|--------------|--------------------|------|---------|-------|--------------|-----------------------|
|                |              |                    |      |         |       |              |                       |

## Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

| Exam.<br>Init. | Ref.<br>Des. | Citation  |
|----------------|--------------|---|
|                | C30          | Plant Variety Protection Certificate No. 9700076 for Inbred Corn Line LH242, issued May 29, 1998. |

25428233.1

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.

INFORMATION DISCLOSURE STATEMENT — PTO-1449 (MODIFIED)